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EXAMINER

VANTERPOOL, LESTER L

ART UNIT

PAPER NUMBER

3727

DATE MAILED: 09/18/2006.

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.		Applicant(s)	
	10/715,772		BROWN, WORTH	
	Examiner		Art Unit	
	Lester L. Vanterpool		3727	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 July 2006.
 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14, 18-20 and 23-29 is/are pending in the application.
 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
 5) ☐ Claim(s) _____ is/are allowed.
 6) ☒ Claim(s) 1-14, 18-20 & 23-30 is/are rejected.
 7) ☐ Claim(s) _____ is/are objected to.
 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 a) ☐ All b) ☐ Some * c) ☐ None of:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

This action is in response to applicant's amendment filed on July 10, 2006.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claim 1 – 8, 12, 13 & 18 – 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hillis (U.S. Patent Number 6315179) in view of Scott (U.S. Patent Number 5746365) and Buonaiuto et al., (U.S. Patent Number 5653336). Hillis discloses the strap (101) configured to be placed over a person and to extend from the first side of the person along the front of the person, over the shoulder on the second side of the person, and return along the back of the person to the first side (See Figure 3); the strap (101) adjustable via the member (102) fixed to the strap (101) at the first strap position and slidingly engaged to the strap at the second strap position (See Column 3, lines 3 – 4).

However, Hillis does not disclose the strap also including the opener that enables the strap to be opened and thereafter be placed around the person's midsection and adjusted via the member.

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Scott teaches the strap (10) also including the opener (20 & 22) that enables the strap (10) to be opened and thereafter be placed around the person's midsection and adjusted via the member (24) (See Figure 1) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the strap also including the opener that enables the strap to be opened and thereafter be placed around the person's midsection and adjusted via the member as taught by Scott with the personal item carrying device of Hillis in order to enhance multi-functional capabilities.

However, Hillis does not disclose the carrier supported by the strap, the carrier sized to hold the personal item.

Buonaiuto et al., teaches the carrier (10) supported by the strap (38), the carrier (10) sized to hold the personal item (See Figures 1 & 3) for the purpose of transporting personal items.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the carrier supported by the strap, the carrier sized to hold the personal item as taught by Buonaiuto et al., with the personal item carrying device of Hillis in order to enhance transporting personal items.

Regarding claim 2, Hillis further discloses the assembly (109) connected to end portions of the strap (101), the assembly (109) including the attachment mechanism

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(110) that connects the assembly (109) to the item of apparel (205) located substantially at the person's midsection (See Figure 2).

Regarding claim 3, Scott further discloses the opener (20 & 22) is located between the end portions of the strap (10) for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the opener located between the end portions of the strap as taught by Scott with the personal item carrying device of Hillis in order to enhance multi-functional capabilities.

Regarding claim 4, Hillis further discloses the attachment mechanism (110) is selected from the group consisting spring clip (110) (See Figure 2).

Regarding claim 5, Hillis further discloses the attachment mechanism (110) is removably from the assembly (110) (See Figure 2).

Regarding claim 6, Scott further discloses the opener (20 & 22) includes the apparatus selected from the group consisting of the buckle (See Figure 1).

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Regarding claim 7, Buonaiuto et al., further discloses the carrier (10) is slideably held by the strap (38) (See Column 5, lines 22 – 24) (See Figure 5) for the purpose of providing flexibility.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the carrier slideably held by the strap as taught Buonaiuto et al., with the personal item carrying device of Hillis in order enhance flexibility.

Regarding claim 8, Buonaiuto et al., further discloses the carrier (10) defines at least one aperture (20 & 22) that receives the strap (38) (See Column 5, lines 22 – 25) (See Figure 5) for the purpose of providing flexibility.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the carrier defines at least one aperture that receives the strap as taught Buonaiuto et al., with the personal item carrying device of Hillis in order enhance flexibility.

Regarding claim 12, Buonaiuto et al., further discloses the carrier (10) includes the portion (34) that opens and closes (See Figure 3) to enable insertion and removal of the personal item for the purpose of providing multi-functional capabilities.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the carrier include the portion that opens and closes to enable insertion and removal of the personal item as taught by Buonaiuto et al., with the personal item carrying device of Hillis in order to enhance multi-functional capabilities.

Regarding claim 13, Buonaiuto et al., further discloses the personal item is selected from the group consisting of the cell phone (See Abstract).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the personal item is selected from the group consisting of the cell phone as taught by Buonaiuto et al., with the personal item carrying device of Hillis in order to enhance multi-functional capabilities.

Regarding claim 18, Hillis further discloses the strap (101) sized to extend from the first side of the person, over the shoulder on the second side of the person, and return along the back of the person to the first side (See Figure 3).

However, Hillis does not disclose the strap includes the quick release mechanism and the adjustment member fixed to the strap at the first strap position and slidingly engaged to the strap at the second strap position, so that the strap is openable and adjustable to fit over the person's shoulder and around the person's midsection.

Scott teaches the strap (10) includes the quick release mechanism (20 & 22) (See Figure 1) and the adjustment member (24 & 46) fixed to the strap (10) at the first strap position and slidingly engaged to the strap (10) at the second strap position (See Figures 1 & 3) for the purpose of providing flexibility.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the strap includes the quick release mechanism and the adjustment member fixed to the strap at the first strap position and slidingly engaged to

the strap at the second strap position as taught by Scott with the personal item carrying device of Hillis in order to enhance accommodating various size users.

However, the Hillis does not disclose the caddy moveably supported by the strap, the caddy sized to hold the personal item.

Buonaiuto et al., teaches the caddy (10) moveably supported by the strap (38), the caddy (10) sized to hold the personal item (See Abstract) for the purpose of providing portable transportation.

It would have been obvious to one ordinary skill in the art at the time the invention was made to make the caddy moveably supported by the strap, the caddy sized to hold the personal item as taught by Buonaiuto et al., with the personal item carrying device of Hillis in order to enhance mobile transportation.

Regarding claim 19, Hillis further discloses the means (109 & 110) to secure end portions of the strap (101) to the item of apparel worn (205) at the person's midsection (See Figure 2).

Regarding claim 20, Hillis further discloses the securing means (109 & 110) includes the first portion (109) attached to the end of the strap (101) and the second portion (110) that is attached to the item of apparel (205) (See Figure 2).

3. Claims 9 – 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hillis (U.S. Patent Number 6315179) in view of Scott (U.S. Patent Number 5746365)

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and Buonaiuto et al., (U.S. Patent Number 5653336) as applied to claim 1 above, and further in view of Fujihashi (U.S. Patent Number 6478205). Hillis, Scott, and Buonaiuto et al., disclose the invention substantially as claimed.

However, Hillis, Scott, and Buonaiuto et al., does not disclose the carrier including the folding member that holds the carrier frictionally against the strap.

Fujihashi teaches the carrier (1) includes the plurality of folding member (5A & 5C) that hold the carrier (1) frictionally against the strap (B) (See Column 5, lines 31-45) (See Figures 7, 9 & 10).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the carrier includes the plurality of folding member that hold the carrier frictionally against the strap as taught by Fujihashi with the personal item carrying device of Hillis in order to enhance anchoring security.

Regarding claim 10, Fujihashi discloses the folding member (5A & 5C) including the attachment device (5D & 5E) that attaches the member (5A & 5C) to one another (See Column 5, lines 40 – 44) (See Figure 7) for the purpose of providing security.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the folding member including the attachment device that attaches the member to one another as taught by Fujihashi with the personal item carrying device of Hillis in order to enhance security.

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Regarding claim 11, Fijihashi discloses the carrier (1) sized and structured to hold the plurality of personal items (H.P) (See Column 4, lines 17 – 20) (See Figures 3, 9, 16 & 17) for the purpose of providing mobile transportation of numerous personal items.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the carrier sized and structured to hold the plurality of personal items as taught by Fijihashi with the personal item carrying device of Hillis in order to enhance security.

4. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Hillis (U.S. Patent Number 6315179) in view of Scott (U.S. Patent Number 5746365) and Buonaiuto et al., (U.S. Patent Number 5653336) as applied to claim 1 above, and further in view of Grant (U.S. Patent Number 4750652). Hillis, Scott and Buonaiuto et al., discloses the invention substantially as claimed.

However, Hillis, Scott and Buonaiuto et al., do not disclose the at least one of the strap and the carrier is made from the leather material selected from the group consisting of leather.

Grant teaches at least one of the straps (20, 30, 40 & 50) and the carrier (60) is made from the leather material selected from the group consisting of leather (See Column 2, lines 13 – 15) and (See Column 2, lines 18 – 20) for the purpose of providing durability.

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It would have been obvious to one having ordinary skill in the art at the time the invention was made to make at least one of the strap and the carrier is made from the leather material selected from the group consisting of leather as taught by Bronaiuto et al., with the personal item carrying device of Hillis in order to enhance multi-functional capabilities.

5. Claim 23, 25 – 30 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fujihashi (U.S. Patent Number 6478205) in view of Adams (U.S. Patent Number 5020673) and Hillis (U.S. Patent Number 6315179). Fujihashi discloses the strap (B) (See Figures 1, 6A, 6B & 9); and the caddy (1) including having the middle portion, the first flap (5A) extending from the first side of the middle portion (1b) (See Figure 7), the second flap (5C) extending from the second side of the middle portion (1b) (See Figure 7), the first (5A) and second (5C) flaps configured (5D & 5E) to fold over the middle portion (1b) and around the strap (B) to moveably secure the caddy (1) (See Column 5, lines 31 – 45), the member (5A & 5C) when unfold exposing the first side (1b), wherein the caddy (1) includes at least one compartment located on the second side of the member (5A & 5C).

However, Fujihashi does not disclose the first side having the plurality of compartments sized to hold personal items.

Adams teaches the first side (10) has the plurality of compartments (46 & 48) sized to hold personal items (See Column 3, lines 67 – 68 & See Column 4, lines 1 – 16) (See Figure 1) for the purpose of providing additional storage.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the first side having the plurality of compartments sized to hold personal items as taught by Adams with the personal item carrying device of Hillis in order to enhance additional storage capacity.

However, Fijihashi does not disclose the strap sized to extend from the first side of the person, along the front of the person, over the shoulder on the second side of the person, and return along the back of the person to the first side.

Hillis teaches the strap (101) sized to extend from the first side of the person, along the front of the person, over the shoulder on the second side of the person, and return along the back of the person to the first side (See Figure 3) for the purpose of providing multi-functional wearable positions.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the strap sized to extend from the first side of the person, along the front of the person, over the shoulder on the second side of the person, and return along the back of the person to the first side as taught by Hillis with the personal item carrying device of Hillis in order to enhance multi-functional wearable positions.

Regarding claim 25, Fijihashi discloses wherein the personal items is the cell phone (H.P) (See Column 4, lines 17 – 20) (See Figure 3).

Regarding claim 26, Fijihashi discloses the plurality of personal item holding compartments (2 & 9) located on the second side (1a) of the folding members (5A & 5C) (See Column 5, lines 59 – 63) (See Figure 3, 13 – 15).

Regarding claim 27, Fijihashi discloses the second side (1a) compartment (2) is sized to hold the cellular phone (See Column 4, lines 17 – 20) (See Figures 3, 9, 11 – 17).

Regarding claim 28, Fijihashi discloses the middle portion (1b), the first flap (5A) extending from the first side of the middle portion (1b), the second flap © extending from the second side of the middle portion (1b), the first (5A & and second (5C) flaps operable to fold over the middle portion (1b) and around the couple to the strap (B) and releasably attach to each other (5D & 5E) (See Figure 7); the outside of the middle portion (1b) of the member includes the compartment (2) sized to securely hold the cellular phone (H.P) (See Figure 3).

However, Fijihashi does not disclose the inside of the middle portion (1b) of the member including multiple card holding slots.

Adams teaches the inside of the middle portion (10) of the member includes multiple card holding slots (46 & 48) (See Figure 1).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the inside of the middle portion (10) of the member

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includes multiple card holding slots as taught by Adams with the personal item carrying device of Hillis in order to enhance additional storage capacity.

Regarding claim 29, Fijihashi discloses at least one of the compartments of the foldable member (5A & 5C) includes the attachment device (5D & 5E) (See Figure 7).

Regarding claim 30, Fijihashi discloses the plurality of personal item holding compartments (2 & 9) located on the second side (1a) of the folding members (5A & 5C) (See Column 5, lines 59 – 63) (See Figure 3, 13 – 15).

6. Claim 24 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fujihashi (U.S. Patent Number 6478205), Adams (U.S. Patent Number 5020673) and Hillis (U.S. Patent Number 6315179) as applied to claim 23 above, and further in view of Drury (U.S. Patent Number 5713406). Fujihashi, Adams, and Hillis disclose the invention substantially as claimed.

However, Fijihashi, Adams, and Hillis do not disclose at least one of the compartments located on the first side of the member are slots sized to hold items selected from the group consisting of: credit/debit cards, retail cards, cash, insurance cards and driver's license.

Drury teaches at least one of the compartments located on the first side (See Figure 4) of the members are slots (30 & 42) sized to hold items selected from the group consisting of cards (41 & 50) (See Figure 4) for the purpose of providing storage.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to make at least one of the compartments located on the first side of the member are slots sized to hold items as taught by Drury with the personal item carrying device of Hillis in order to enhance additional personal storage.

Response to Arguments

6. Applicant's arguments with respect to claim 1 – 29 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Applicant is duly reminded that a complete response must satisfy the requirements of 37 C.F. R. 1.111, including: "The reply must present arguments pointing out the specific distinctions believed to render the claims, including any newly presented claims, patentable over any applied references. A general allegation that the claims "define a patentable invention" without specifically pointing out how the language of the claims patentably distinguishes them from the references does not comply with the requirements of this section. Moreover, "The prompt development of a clear Issue requires that the replies of the applicant meet the objections to and rejections of the claims." Applicant should also specifically point out the support for any amendments made to the disclosure. See MPEP 2163.06 II(A), MPEP 2163.06 and MPEP 714.02. The "disclosure" includes the claims, the specification and the drawings.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Lester L. Vanterpool whose telephone number is 571-272-8028. The examiner can normally be reached on Monday - Friday (8:30 - 5:00) EST.


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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nathan Newhouse can be reached on 571-272-4544. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

LLV

LLV
September 5, 2006


JES F. PASCUA
PRIMARY EXAMINER